

REMARKS

With this response, Applicant has amended claims 1, 3, 5, 6, 8, 13, 14, and 16-21, has canceled no claim, and has added dependent claims 22 and 23. As such, claims 1-23 are presented for reconsideration and allowance. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and remarks that follow.

DRAWING OBJECTION(S)

Pursuant to the drawing objection under 37 C.F.R. § 1.84(p)(4), Applicant has amended paragraph [0026] to change “first channel 20” to “first channel 10.” As such, Applicant respectfully submits that no corrected drawing sheet or drawing amendment is needed. In view of this, Applicant respectfully requests withdrawal of the drawing objection.

STATUS OF CLAIMS

1) Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Csizmadia, U.S. Patent No. 4,598,923 (“Csizmadia”).

ARGUMENTS SUPPORTING PATENTABILITY

The Rejection of Claims 1-21 under 35 U.S.C. § 102 Should Be Withdrawn

As amended, independent claim 1 is respectfully submitted to be presenting condition for allowance because Csizmadia fails to disclose or otherwise teach each and every claim element as well as the arrangement of elements claimed. MPEP §2131 states that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Under MPEP §2131, anticipation further requires that “[t]he identical invention must be shown [in the reference] in as complete detail as is contained in the ... claim.” Although it is not an *ipsissimis verbis* test, MPEP §2131 also requires that, to anticipate a claim, the elements of the reference must be arranged as required by the claim. This requirement has been recently articulated by the United States Federal Circuit Court of Appeals. In the October 2008 decision of *Net Moneyin, Inc. v. Verisign, Inc.* the court held that, “unless a

reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate a claim under 35 U.S.C. §102.” Net Moneyin, Inc. v. Verisign, Inc., --- F.3d----, 2008 WL 4614511 (C.A. Fed. (Ariz.)), at paragraph [15], (emphasis added).

Independent claim 1 is submitted to be presented in condition for allowance because Csizmadia fails to disclose or otherwise teach the foldable bicycle limitations defined in claim 1. In particular, Csizmadia fails to disclose or otherwise teach the claimed foldable bicycle where the bicycle includes a guide rod that connects the handlebars to the front wheel with the guide rod having a plurality of folding axes used in folding the foldable bicycle up with one of the foldable axes enabling the handlebars to be folded and the other one of the folding axes enabling the front wheel to be folded.

Dependent claims 2-7 are each submitted to be presented in condition for allowance for at least the same reasons as with regard to independent claim 1. In addition, each of these claims independently recites patentable subject matter when considered in combination with the limitations recited in independent claim 1. For example, with regard to claim 2, Csizmadia fails to disclose, teach or otherwise suggest a folding bicycle that includes a frame with a channel formed in it that is *complementary* in form to the form of the handlebars. The casing 1 disclosed in Csizmadia does not include a channel that is specifically *complementary* in form to the form of the handlebars. It may hold the handlebars along with several other components but it does not have a *channel* that is *complementary* in form to the form of the handlebars as is required by dependent claim 2.

With regard to claim 4, Csizmadia fails to disclose, teach or otherwise suggest a saddle of a folding bicycle that includes a seat and which has a *channel formed into it* that is complementary to the form of the handlebars. The casing 2 disclosed in Csizmadia is a cover that covers the handlebars and other bicycle components that lacks any channel formed in it whatsoever that is *complementary* to the form of the handlebars.

With regard to claim 6, while Csizmadia discloses a fork 34, it does not disclose teach or otherwise suggest a *monofork*, as is defined in claim 6. For example, as is shown in Applicant’s

drawing figures, including FIGS. 1 and 2, monofork 24 extends only along one side of the front wheel 4. This is neither disclosed nor taught in Csizmadia.

Csizmadia is also deficient with regard to claims 5 and 7. For at least these reasons, claims 1-7 are presenting condition for allowance and their allowance is respectfully requested.

As amended, the bicycle folding method defined by independent claim 8 patently distinguishes over Csizmadia because Csizmadia, among other things, fails to disclose, teach or otherwise suggest a bicycle folding method where a guide rod that carries handlebars and a front wheel includes a method step where the handlebars are folded in a first channel formed in a bicycle frame about a first folding axis of the guide rod and a method step where the front wheel is folded in the direction of the rear wheel by rotation of the front wheel about a third folding axis of the guide rod such that a portion of the guide rod folds with the front wheel. Csizmadia fails to disclose, teach or otherwise suggest where the handlebars are folded into a channel formed in the bicycle frame. Csizmadia also fails to disclose, teach or otherwise suggest a bicycle folding method where the front wheel is folded in the direction of the rear wheel *along with a portion of the guide rod* about a third folding axis of the guide rod. At best, Csizmadia discloses a fork 34 that is pivotable and not any portion of the steering post of the bicycle.

In addition, with regard to dependent claim 9, Csizmadia fails to disclose, teach or otherwise suggest a method of folding a bicycle where each wheel is folded into its own respective channel formed in the frame. At best, Csizmadia discloses a casing 1 that is open to accommodate the front and rear wheels 35, 48. A full text search of Csizmadia reveals no mention of a channel, let alone a channel specifically formed in a manner that enables part of a front or rear wheel to be folded into it (nor *separate* channels formed for each wheel). See, e.g., Applicant's FIG. 5 for an example of structure corresponding to the claim limitations recited in claim 9 wherein the frame has a pair of channels 11, 34 with a portion of each one of the wheels 4, 6 folded into a corresponding one of the channels 11, 34 in carrying out the claimed bicycle folding method. No such corresponding method step or related structure is disclosed, taught or otherwise suggested in Csizmadia.

The same deficiencies in Csizmadia hold true with regard to claims 10 and 11.

With regard to claim 13, Csizmadia fails to disclose, teach or otherwise suggest a bicycle folding method where a mud guard is foldable about a fifth folding axis situated on the frame and a seat post of the saddle is foldable about a second folding axis on the mud guard. First, Csizmadia fails to disclose, teach or otherwise suggest a bicycle folding method that includes any structure corresponding to a mud guard, let alone a fifth folding axis. Second, Csizmadia fails to disclose a bicycle folding method where the saddle bar 37 pivots. Rather, saddle bar 37 telescopes into elongated casing 2.

For at least these reasons, claims 8-13 are presented in condition for allowance and allowance of each is respectfully requested.

As amended, independent claim 14 patently distinguishes over Csizmadia because, among other things, Csizmadia fails to disclose, teach or otherwise suggest a foldable bicycle that includes a fender, e.g., mud guard 29, that is pivotable about a fold axis relative to the frame and a seat post that carries a seat and which is operably attached by a fender to a frame with the seat post being pivotable about another fold axis on the fender enabling the seat post to be pivotable relative to the frame. For at least these reasons, independent claim 14 is presented in condition for allowance and its allowance is respectfully requested.

Claims 15-21 define patentable subject matter in combination with the subject matter recited in independent claim 14 such that each of these dependent claims are also presented in condition for allowance.

NEWLY PRESENTED CLAIMS

Newly added claims 22 and 23 each ultimately depend from independent claim 1, a claim submitted to be presented in condition for allowance. In addition, each one of these claims recites subject matter that further patently distinguishes the claimed invention over Csizmadia. For example, with regard to claim 22, as discussed above, Csizmadia fails to disclose a mud guard, let alone a mud guard carried by the bicycle frame to which a seat post is pivotally connected in a manner that defines a folding axis about which the seat and seat post are foldable. With regard to claim 23, Csizmadia also fails to disclose a mud guard that is pivotally attached to the bicycle frame and a manner that defines another folding axis about which the mud guard is foldable.

CONCLUSION & PETITION FOR EXTENSION OF TIME

Presently pending claims 1-23 set forth above are all submitted to be presented in condition for allowance and their allowance is respectfully requested.

The Director is hereby authorized to charge Deposit Account No. 50-1170 in the amount of \$117 with \$65 allotted for a one month extension of time from January 2, 2009 until February 2, 2009 and \$52 allotted for the addition of two dependent claims, all for a small entity. No other fees are believed to be due with the submission of this communication. Nevertheless, the Director is authorized to direct any additional fees associated with this or any other communication, or credit any overpayments to Deposit Account No. 50-1170.

Should the Examiner have any questions or comments, the attending to of which would expedite the prosecution of this application, the Examiner is invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,



David D. Stein
Registration No. 40,828

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USPTO Customer No. 23598

Boyle Fredrickson, S.C.
840 North Plankinton Avenue
Milwaukee, WI 53203
Telephone: (414) 225-9755
Facsimile: (414) 225-9753
Email: dds@boylefred.com